

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARELL RICHARDS,

Defendant.

8:13CR371

ORDER

This matter is before the court on the defendant's, Darell Richards, motion for copies (Filing No. 59). The defendant requests the criminal docket sheet for this case, the Judgment, and Statement of Reasons. **See** Filing No. 59 - Motion. This case is currently before the Eighth Circuit Court of Appeals (Docket #: 15-1134) on the government's appeal, although the matter is stayed. However, the court notes the Federal Public Defender for the District of Nebraska continues to represent the defendant on appeal. **See** Filing No. 57 - Order. The defendant has not filed a motion for post-conviction relief.

Under Rule 6(b) of the "Rules Governing Section 2255 Cases in the United States District Courts," a party requesting discovery must provide reasons for his request. Also, under 28 U.S.C. § 2250, if a petitioner is permitted to prosecute a petition for a writ of habeas corpus in forma pauperis, "the clerk of any court of the United States shall furnish to the petitioner without cost certified copies . . . the record . . . as may be required by order . . . ." 28 U.S.C. § 2250. The statute contemplates the filing of a motion for collateral review of a conviction before free copies of the record are furnished to the moving party. **See *Chapman v. United States***, 55 F.3d 390, 390-91 (8th Cir. 1995) (stating any request for a free transcript prior to the filing of a section 2255 motion is premature). Accordingly, the court finds the motion should be denied at this time without prejudice to reassertion after filing a section 2255 petition or other timely motion. Upon consideration,

**IT IS ORDERED:**

The defendant's motion (Filing No. 59) is denied.

Dated this 9th day of March, 2015.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge